



Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

02-RCA-0328

MAY 06 2002

Mr. John B. Price
Nuclear Waste Program
State of Washington
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504

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Dear Mr. Price:

INTEGRATED CLOSURE OF THE 1706-KE WASTE TREATMENT SYSTEM

On July 8, 1999, the U.S. Department of Energy, Richland Operations Office (RL) forwarded a letter to the State of Washington Department of Ecology (Ecology) requesting approval to integrate the closure of the 1706-KE Waste Treatment System with a Comprehensive Environmental Response, Compensation, and Liabilities Act (CERCLA) action. This treatment system is presently categorized as a hazardous waste, treatment and storage unit under the Resource Conservation and Recovery Act (RCRA). The July 8, 1999, letter outlined how the RCRA/CERCLA integration would be done. However, the following provides an updated request, including specific actions necessary to close this system under CERCLA and RCRA, as discussed with U.S. Environmental Protection Agency (EPA) and Ecology staff on August 21, 2001, and December 13, 2001.

RL is proposing that the closure of the 1706-KE Waste Treatment System be performed in conjunction with the CERCLA cleanup under the 100 Area Remaining Sites Record of Decision (ROD). This strategy will allow for an effective use of resources by placing all of the cleanup activities associated with this facility into one single action. In addition, there is no risk in the proposed closure schedule, given that the present condition of the systems presents no threat to human health or the environment. A Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) milestone to complete the 100-K Area remediation is included in the recently negotiated River Corridor milestones dated April 30, 2002.

This type of coordinated effort is consistent with EPA policy, as stated in the September 24, 1996, EPA memorandum, "Coordination between RCRA Corrective Action and Closure and CERCLA Site Activities." The memorandum was issued to improve RCRA/CERCLA integration and coordination, and states that, "Generally, cleanups under RCRA corrective action or CERCLA will substantively satisfy the requirements of both programs." The memorandum goes on to identify implementing a RCRA closure under a particular CERCLA ROD as a possible approach to integration. It is stated that the RCRA permit/order could cite the ongoing CERCLA cleanup, and incorporate the CERCLA requirements by reference. While the RCRA public participation requirements would still need to be addressed, it is expected that the public review for a permit modification would be sufficient.

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The 1706-KE Waste Treatment System has not been operated since 1987. All waste, with the possible exception of a heel in one tank, was removed in March 1994. The 100 Area Remaining Sites Record of Decision (ROD) includes a number of sites in the 100-K Area that will be cleaned up under the CERCLA process. While the components of the 1706-KE Waste Treatment System are not specifically addressed in the 100 Area Remaining Sites ROD, the 1706-KE Building is mentioned in the ROD and there is a provision for adding "sites" identified after the remedy selection. Additional sites will be added via amendments to the Remedial Design Report/Remedial Action Work Plan (RDR/RAWP) for the 100 Area Remaining Sites cleanup action.

Performing closure of the 1706-KE Waste Treatment System in conjunction with CERCLA cleanup under the 100 Area Remaining Sites ROD would be done in the following manner:

1. This letter, followed by Ecology's written concurrence with the approach, serves as notification and agreement that any further planning or physical action related to closure of the 1706-KE Waste Treatment System will occur in support of implementation of CERCLA cleanup under the 100 Area Remaining Sites ROD. Closure of the 1706-KE Waste Treatment Facility will occur in conjunction with the CERCLA cleanup under the Remaining Sites ROD.
2. Documentation will be obtained from EPA regarding the acceptance of the 1706-KE Waste Treatment System as part of the 100 Area Remaining Sites CERCLA action. As discussed with EPA staff, this documentation may take the form of concurrence or joint signature on Ecology's response to this letter or may be provided in separate correspondence.
3. It is understood that the Part A, Form 3 Permit Application will remain open until the remediation work is completed. A revised Part A, Form 3 Permit Application, reflecting the current status of the 1706-KE Waste Treatment System, will be submitted by RL to Ecology. The new Part A, Form 3 Permit Application will clearly state that the closure requirements will be integrated with the CERCLA Remedial Action for the 100 Area Remaining Sites ROD and will not require a separate closure plan.
4. Inspections of the 1706-KE Waste Treatment System will be done in accordance with WAC 173-303-320. It is proposed that the inspections be done once every five years. Malfunctions, deterioration, or discharges are unlikely given the status of the 1706-KE Waste Treatment System, so this periodicity for inspections is viewed as more than adequate to identify problems in time to correct them before they harm human health or the environment. The area in the 1706-KE Building, where the 1706-KE Waste Treatment System is located, has controlled access due to radiological contamination. Operator error is unlikely because this area can only be accessed in accordance with a Radiation Work Permit and has not been routinely occupied for several years.

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5. Specifically, RL is requesting Ecology concur that development of a waste analysis plan; training plan and program; contingency and emergency plan; and closure plan for the unit, as described in WAC 173-303-300, WAC 173-303-330, WAC 173-303-350, and WAC 173-303-610, is substantively fulfilled by execution of the Remedial Design Report/Remedial Action Work Plan (RAWP) for the 100 Area Remaining Sites cleanup action. Therefore, maintenance of these specific plans under WAC 173-303 would not be required.
6. RL commits to a presumptive remedy under the Remaining Sites ROD that will include removal, treatment (as necessary), and disposal of all equipment and potentially contaminated structural components directly related to the 1706-KE Waste Treatment System. RL will plan and budget for final disposition of the 1706-KE Waste Treatment System, as part of the CERCLA remediation. The presumed disposal facility to be used for this CERCLA action, and hence for the 1706-KE Waste Treatment System, is the Environmental Restoration Disposal Facility at the Hanford Site.
7. The appropriate administrative paperwork will be filed to: (a) change the designation of the 1706-KE Waste Treatment System (WIDS site codes 116-KE-6A, 116-KE-6B, 116-KE-6C, and 116-KE-6D) in the WIDS database from TSD to CERCLA remedial action (b) maintain the 1706-KE Waste Treatment System in Appendix B of the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) with an added notation as to the operable unit and add the 1706-KE Waste Treatment System to Appendix C of the Tri-Party Agreement, and (c) amend the RDR/RAWP for the 100 Area Remaining Sites cleanup action to include the 1706-KE Waste Treatment System, as necessary.
8. The schedule for cleanup activities associated with the 1706-KE Waste Treatment System will be attached to RDR/RAWP for the 100 Area Remaining Sites cleanup action or to other appropriate documentation, as approved by the Tri-Parties. The actual dates for these activities will be determined through the Tri-Party Agreement negotiations and development of milestones.

The steps outlined above present a logical and cost-effective way to close the 1706-KE Waste Treatment System. This system has been out of service for over ten years and presents no threat to human health or the environment in its present condition. This method of integration of Washington State Dangerous Waste Regulations with CERCLA cleanup represents a significant cost saving to the taxpayer and allows RL and Ecology to focus on other waste sites that present greater hazards.

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We request your approval with the approach described above. We appreciate your assistance and consideration on this issue. If you have any questions, please contact Ellen Mattlin, of my staff, on (509) 376-2385.

Sincerely,

A handwritten signature in cursive script that reads "Joel Hebdon".

Joel Hebdon, Director
Regulatory Compliance and Analysis Division

RCA:EMM

cc: G. Davis, Ecology
P. T. Day, H&N
L. E. Gadbois, EPA
N. M. Menard, FHI
R. P. Ruth, DES
D. J. Watson, FHI